

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

No. 2:10-CR-59-D

No. 2:16-CV-29-D

GARY FRANCIS COOPER,

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

ORDER

On September 6, 2019, the court denied relief under 28 U.S.C. § 2255. See [D.E. 244]. On May 7, 2021, Gary Francis Cooper raised a new claim and moved for reconsideration [D.E. 304]. Cooper did not receive authorization from the United States Court of Appeals for the Fourth Circuit to file it. Accordingly, the court lacks jurisdiction to consider it. See, e.g., 28 U.S.C. § 2255(h); Gonzalez v. Crosby, 545 U.S. 524, 528–38 (2005); Richardson v. Thomas, 930 F.3d 587, 595–600 (4th Cir. 2019); Moses v. Joyner, 815 F.3d 163, 167–69 (4th Cir. 2016); United States v. Winestock, 340 F.3d 200, 205 (4th Cir. 2003), abrogated in part by United States v. McRae, 793 F.3d 392 (4th Cir. 2015); cf. [D.E. 244, 245]. The court also DENIES a certificate of appealability. See Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

Thus, the court DISMISSES the motion and DENIES a certificate of appealability.

SO ORDERED. This 23 day of June 2021.


JAMES C. DEVER III
United States District Judge